



**Commission on Peace Officer Standards and Training**

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Subject: **Assembly Bill 1517 – Amendment to Section 680 of the Penal Code, Relating to DNA Evidence**

Assembly Bill 1517, signed by Governor Brown, takes effect January 1, 2016. The bill is intended to reduce or eliminate backlogs of the testing of sexual assault kits, resulting in more opportunities to develop DNA profiles, search for suspect matches, link cold cases, prosecute offenders, and deter sexual assaults by serial offenders. Additionally, local law enforcement agencies will strengthen bonds with the community by bringing quicker resolutions to sexual assault victims.

Existing law establishes the “Sexual Assault Victims’ DNA Bill of Rights,” which, among other things, encourages a law enforcement agency assigned to investigate specified sexual assault offenses to perform DNA testing of rape kit evidence, or other crime scene evidence, in a timely manner to assure the longest possible statute of limitations.

This bill shortens recommended timelines for law enforcement agencies and crime labs to process and perform DNA testing of sexual assault evidence. Specifically, this bill establishes that:

- (A) A law enforcement agency in whose jurisdiction a sex offense specified in Section 261, 261.5, 262, 286, 288a, or 289 occurs, should do one of the following for any sexual assault evidence received by the law enforcement agency on or after January 1, 2016:
  - i. Submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence.
  - ii. Ensure that a rapid turnaround DNA program is in place to submit forensic evidence collected from the victim of a sexual assault directly from the medical facility where the victim is examined to the crime lab within five days after the evidence is obtained from the victim.
- (B) The crime lab should do one of the following for any sexual assault forensic evidence received by the crime lab on or after January 1, 2016:
  - i. Process sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence.
  - ii. Transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. If a DNA profile is created, the transmitting crime lab should upload the profile into CODIS as soon as practically possible, but no longer than 30 days after being notified about the presence of DNA.

The bill would also revise the provisions requiring a law enforcement agency to inform victims of certain sexual assault offenses, making the requirement applicable without regard to whether the identity of the perpetrator is in issue. If the law enforcement agency does not analyze DNA evidence within six months prior to the time limits established by existing law, a victim of a sexual assault offense specified in Section 261, 261.5, 262, 286, 288a, or 289 shall be informed, either orally or in writing, of that fact by the law enforcement agency.

Questions regarding the amendment to Section 680 of the Penal Code, relating to DNA evidence, may be directed to POST Senior Consultant Christine Ford, Management Counseling, Leadership Development Bureau, at (916) 227-2510 or [Christine.Ford@post.ca.gov](mailto:Christine.Ford@post.ca.gov).

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